

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAN 22 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

THE LANCE AND LINDA NEIBAUER
JOINT TRUST, an Oregon Trust, by and
through Lance Neibauer, as Trustee,

Plaintiff - Appellee,

v.

MICHAEL J. KURGAN, an individual,

Defendant - Appellant.

No. 15-35050

D.C. No. 6:14-cv-01192-MC
District of Oregon,
Eugene

ORDER

The court's records reflect that the notice of appeal was filed during the pendency of a timely filed motion listed in Federal Rule of Appellate Procedure 4(a)(4). The notice of appeal is therefore ineffective until entry of the order disposing of the last such motion outstanding. *See* Fed. R. App. P. 4(a)(4). Accordingly, proceedings in this court shall be held in abeyance pending the district court's resolution of the pending January 6, 2015 motion. *See Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994).

Within 5 days after the district court's ruling on the pending motion, appellant shall notify this court in writing of the ruling and shall advise whether appellant intends to prosecute this appeal.

CO/Pro Se

To appeal the district court's ruling on the post-judgment motion, appellant must file an amended notice of appeal within the time prescribed by Federal Rule of Appellate Procedure 4.

The Clerk shall serve this order on the district court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Corina Orozco
Deputy Clerk

CO/Pro Se